

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

STATE OF INDIANA <i>ex rel.</i>	)	
Gregory F. Zoeller, Attorney General of ,	)	
Indiana and the CITY OF EAST CHICAGO	)	
<i>ex rel.</i> Gregory F. Zoeller, Attorney General	)	
of Indiana,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:04-CV-506-JTM-CAN
	)	
ROBERT A. PASTRICK, et al.,	)	
	)	
Defendants.	)	

**ENTRY OF DEFAULT JUDGMENT AGAINST FRANK KOLLINTZAS**

The plaintiffs, the State of Indiana, *ex rel.* Gregory F. Zoeller, Attorney General of Indiana ("State"), and the City of East Chicago, *ex rel.* Gregory F. Zoeller, Attorney General of Indiana ("City"), having moved this Court for entry of a default judgment for all claims asserted against defendant Frank Kollintzas (DE # 552), the Court hereby makes the following findings:

1. On August 3, 2004, the plaintiffs filed the complaint in this action and duly served the defendant with a copy of the complaint. The complaint alleged the following claims for relief against the defendant:

a. Federal Racketeering Offenses, in violation of 18 U.S.C. § 1962(c), (First Claim for Relief, at paragraphs 139-148 of complaint) - The defendant and others were employed by or associated with a racketeering enterprise and conducted, managed, operated, or participated, directly and indirectly, in the conduct of its affairs through a pattern of predicate crimes by multiple, repeated and continuous instances of the

transfer or transmittal in interstate commerce of money or property they knew to have been stolen or converted in violation of 18 U.S.C. § 2314.

b. Conspiracy to Violate Federal Racketeering Law, in violation of 18 U.S.C. §1962(d), (Second Claim for Relief, at paragraphs 149-156 of complaint) - The defendant and others were employed by or associated with a racketeering enterprise and conspired to conduct or participate, directly and indirectly, in the conduct, management, or operation of the enterprise through a pattern of predicate crimes by multiple, repeated and continuous instances of the transfer or transmittal in interstate commerce of money or property they knew to have been stolen or converted in violation of 18 U.S.C. § 2314.

c. State Racketeering Offenses, in violation of Indiana Code § 35-45-6-1, (Third Claim for Relief, at paragraphs 157-167 of complaint) - Defendant and others stole and converted money and property from the State of Indiana and the City of East Chicago in violation of state official misconduct and theft statutes.

d. State Civil Recovery for Crime Victims, pursuant to Indiana Code § 34-24-3, (Fifth Claim for Relief, at paragraphs 173 - 178 of complaint) - Defendant and others committed criminal theft by unauthorized control over money or property of the City of East Chicago, with intent to deprive the City of East Chicago of its value or use.

2. Defendant Frank Kollintzas was personally served on November 22, 2004, and was represented by counsel from August 23, 2004, until August 17, 2005, when the Court granted a motion to withdraw. (Docket Nos. 20, 213.)

3. After proceedings were initially stayed and the stay was lifted, and after motions for enlargement of time to file an answer were granted and the Court directed that all defendants including defendant Kollintzas file answers by March 1, 2005, defendant Kollintzas, by counsel, filed a motion to dismiss for lack of subject matter jurisdiction on February 28, 2005. (Docket No. 126.)

4. That motion was denied on August 29, 2005. (Docket No. 214.) The defendant Kollintzas did not file an answer to the complaint at any time, before or after his motion to dismiss was denied.

5. On July 22, 2008, plaintiffs requested entry of default. (Docket No. 492.) No response was filed by Kollintzas.

6. On February 12, 2009, the Court set this matter for jury trial to commence on May 26, 2009. The defendant Kollintzas was provided notice by the clerk at the address on file in this case.

7. At the time set for trial on May 26, 2009, the defendant Kollintzas failed to appear before the Court. A record was made as to the pending application for clerk's entry of default, as reflected in the docket entry. (Docket No. 550.) An entry of default based on the July 22, 2008, request was made on May 27, 2009.

NOW THEREFORE, IT IS HEREBY ORDERED that the defendant Frank Kollintzas, having failed to answer the complaint and after being fully apprised of the date for trial and the claims that had been asserted against him in the complaint and choosing not to attend the trial or otherwise defend against the pending complaint, the Court enters default judgment against the defendant on all of the aforesaid claims for

relief that are set forth in the complaint. The defendant is therefore deemed to have admitted all of the allegations relating to his liability as set forth in the complaint. The Court shall hold a hearing at 9:30 a.m. on Tuesday, June 9, 2009, for the parties to appear to present any testimony and evidence to be considered by the Court in determining the amount of damages as well as the nature of all other relief to be imposed by the Court.

DATED: June 1, 2009

s/James T. Moody  
JUDGE JAMES T. MOODY  
UNITED STATES DISTRICT COURT